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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of)

Dan K. Ahlgren)

App. Ser. No. 09/904,179)

Filed: July 11, 2001)

For: STACKABLE INTERLOCKING)
INTERVERTEBRAL SUPPORT)
SYSTEM)

Group Art Unit: N/A

Examiner: N/A

**COPY OF PAPERS
ORIGINALLY FILED**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patent, Washington, D.C. on this date:

Date: October 24, 2001

Signature: *[Handwritten signature]*

Jonathan D. Spangler

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts mailed August 27, 2001, having a period for response which expires October 27, 2001, please find the following:

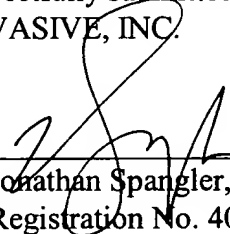
1. Copy of Notice to File Missing Parts (1 page);
2. Check in the Amount of Five Hundred Twenty Three Dollars (\$523),
specifically submitted to cover the following fees:
 - a. Basic Filing Fee of Three Hundred Fifty Five Dollars (\$355);
 - b. Additional Claims Fees of One Hundred Three Dollars (\$103) (which
includes \$63 for claims in excess of 20 and \$40 for independent claims in

excess of 3); and

- c. Surcharge for Late Filing of Declaration of Sixty Five Dollars (\$65).
- 3. Executed Declaration Under 37 CFR 1.63 (1 page); and
- 4. Postcard Evidencing Receipt of Foregoing Materials (1 page).

The foregoing materials are believed to be fully responsive to the Notice to File Missing Parts. If there are any questions or comments concerning this submission, kindly contact undersigned counsel.

Respectfully submitted,
NUVASIVE, INC.

By: 
Jonathan Spangler, Esq.
Registration No. 40,182

10065 Old Grove Road
San Diego, CA 92131
Tel.: (858) 527-1936

October 24, 2001

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/904,179	07/11/2001	Dan K. Ahlgren	018608-005510US

CONFIRMATION NO. 1180

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SAN FRANCISCO, CA 94111-3834

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FORMALITIES LETTER



OC000000006477497

Adjustment date: 03/11/2002 SSALEEKU
01/31/2002 MWOLDER1 00000057 09904179
01 FC:201 -370.00 OP
02 FC:202 -42.00 OP
05 FC:197 -1.00 OP

Date Mailed: 08/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/31/2002 MWOLDER1 00000057 09904179

FILED UNDER 37 CFR 1.53(b)

01 FC:201 370.00 OP
02 FC:202 42.00 OP
03 FC:205 65.00 OP
04 FC:203 45.00 OP
05 FC:197 1.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$103.
 - \$63 for 7 total claims over 20.
 - \$40 for 1 independent claims over 3.
- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o The balance due by applicant is \$ 523.

03/11/2002 SSALEEKU 00000046 09904179

01 FC:201 355.00 OP
02 FC:202 40.00 OP
03 FC:203 18.00 OP

A copy of this notice **MUST** be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE